

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CATELIN CLOBES,

Case No. 21-CV-2117 (PJS/JFD)

Plaintiff,

v.

**ORDER VACATING REPORT
AND RECOMMENDATION**

NBCUNIVERSAL MEDIA, LLC,

Defendant.

This matter comes before the Court on Plaintiff Catelin Clobes’s Second Amended Complaint against NBCUniversal Media, LLC (Dkt. No. 36), which she timely filed on April 6, 2022, pursuant to the Court’s April 1, 2022 Order (Dkt. No. 35). On March 8, 2022, this Court issued a Report and Recommendation (Dkt. No. 28) recommending that Plaintiff’s Complaint be dismissed for lack of subject-matter jurisdiction because Plaintiff had “fail[ed] to provide the citizenship of each of NBCUniversal’s members” and any “sub-members[,]” as is required to establish subject-matter jurisdiction in a diversity action in which a limited-liability company is named as a party. (*R. & R.* at 3–4 (citing *Key Enterprises, LLC v. Morgan*, No. 12-CV-2628 (PJS/JSM), 2013 WL 353911, at *1 (D. Minn. Jan. 29, 2013); *Fifth Third Mortg. Co. v. Lamey*, No. 12-CV-2923 (JNE/TNL), 2012 WL 5936055, at *1 (D. Minn. Nov. 27, 2012)).) Without proper allegations of citizenship in the Complaint, the Court could not be assured that complete diversity existed between the parties at the time that Plaintiff filed the action, and thus, recommended dismissal of the action for lack of federal subject-matter jurisdiction. (*Id.*)

In its April 1 Order, the Court recognized that Plaintiff had corrected the former deficiencies of her Complaint in her First Amended Complaint filed on April 1, 2022 (Dkt. No. 34), save one remaining deficiency: Plaintiff had not properly alleged Comcast Corporation's state of incorporation. (*See* April 1 Order.) Plaintiff has now done so in her Second Amended Complaint which alleges that "Comcast Corporation is incorporated in the state of Pennsylvania." (Second Am. Compl. ¶ 41.)

The Court now finds that Plaintiff's Second Amended Complaint properly alleges the citizenships of the parties, and that diversity exists between the Plaintiff, who is a citizen of Minnesota, and the Defendant, who is a citizen of Delaware and Pennsylvania. (*Id.* ¶¶ 37–55.) Consequently, the Court concludes that it has subject-matter jurisdiction over this action. *See* Title 28 U.S.C. § 1332(a)(1) ("The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between . . . citizens of different States.").

Accordingly, **IT IS HEREBY ORDERED** that the March 8, 2022 Report and Recommendation (Dkt. No. 28) is **VACATED**.

Date: April 8, 2022

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge